THE EFFECTS OF RESTORATIVE JUSTICE PROGRAMMING: A REVIEW OF THE EMPIRICAL

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1.0 INTRODUCTION

There has been growing recognition in Canada that the traditional justice system is not always the most appropriate response to a significant portion of criminal behaviour. This understanding results from several distinct social changes, including an awareness of the needs of victims and a more sophisticated evaluation of the limitations of the criminal justice system. Moreover, the current reliance on incarceration as a sanction, in response to a significant number of offences, has not been overly successful in terms of rehabilitation or reintegration. In recent years, restorative justice programming, such as community conferencing and victim-offender mediation, has emerged as a method of better addressing the needs of victims, offenders and communities. Restorative justice focuses on holding the offender accountable in a more meaningful way than simply imposing punishment. The major goals are to repair the harm caused by the crime, reintegrate the offender into the community and achieve a sense of healing for the victim and the greater community. The focal point of restorative justice is a face-to-face meeting between the offender, the victim and the community.

Research into restorative justice programs and practices is still in its infancy. The major goal of this paper is to examine the breadth and depth of existing empirical research. One of the more important issues in restorative justice is understanding the effects of programs on victims, offenders and communities and on the criminal justice system. Presently, we do not know whether the programs are 'working' and we do not know how they are impacting on the criminal justice system. This paper is a summary of our current knowledge base, as well as a method to identify gaps in restorative justice research. Criminal justice research has traditionally ascribed to the belief that recidivism is the primary criterion for measuring success. Restorative justice research, however, expands this focus by using a more comprehensive set of outcome measures including victim satisfaction, perceptions of fairness and restitution completion rates.

First, this paper provides a brief overview of restorative justice. This includes a general understanding of the historical development that has led to the popularity of restorative justice, an overview of the underlying principles and theories, and the most common practice models. Second, the effects of restorative justice programming are explored by examining the major research issues and empirical data contained in the literature. Third, identified gaps in our knowledge are highlighted and possible directions for future research are proposed.

2.0 BRIEF OVERVIEW OF RESTORATIVE JUSTICE

The following overview is offered to provide an initial context for interpreting and discussing the research results. Numerous academic articles, books and government papers provide a detailed analysis of the theoretical underpinnings and principles of restorative justice. This paper, on the other hand, is designed to provide a comprehensive examination of empirically-based research into the outcomes of restorative practices and is not a critique of the restorative justice paradigm. While there are certain ethical and legal issues that are important to examine through systematic research, such as power differentials among participants, biased referral processes, and lack of legal representation, it is beyond the scope of this paper.

2.1 Historical perspective

The thrust toward a more community- and victim-based system of justice is not a new phenomenon, but rather a resurgence of a historically prevalent approach to crime and conflict. Zehr (1985) asserted that our current criminal justice paradigm, "which we consider so natural, so logical, has in fact governed our understanding of crime and justice for only a few centuries" (p. 6-7). It is a non-judicial and non-legal community-based approach that has dominated Western history. Braithwaite (1997) maintains that restorative justice has been the dominant model of criminal justice throughout most of human history. Therefore, a historical perspective represents a discussion of the events that led to a re-emergence of restorative principles.

During the 1970s there was a movement among prisoners' advocates and academics to protect the rights of offenders, to restrict the use of incarceration and to improve the conditions within institutions. This was driven by an increasing understanding within the social sciences that criminal behaviour was, in a large part, a result of adverse social conditions. This understanding coincided with a movement away from adversarial litigation as the only method of resolving conflict. Processes such as mediation, arbitration and negotiation became more common in civil and family law. Moreover, there was an increasing demand on the justice system to offer a more substantive voice and to provide a more formalised role for victims in the criminal justice process.

In 1974, the first victim-offender mediation program occurred in Canada when two offenders charged with vandalism met with their victims to establish restitution agreements. Since that time, a number of similar programs have been developed throughout Canada and internationally. Certain principles of restorative justice, such as forgiveness and reparation, are fundamental concepts within Judaic and Christian faiths and, as such, these communities also began to actively promote and implement restorative practices. The roots of restorative justice models also stem from traditional Aboriginal methods of conflict resolution that rely on community involvement and the implementation of holistic solutions. The continued overrepresentation of Aboriginal peoples in correctional institutions in Canada has led to demands for more traditional approaches, such as sentencing circles, for Aboriginal offenders.

This movement recently received further impetus from three important developments in Canada. First, statutory recognition of the importance of alternatives to incarceration came with the proclamation of Bill C-41. Second, the importance of addressing the special needs of aboriginal offenders and reducing reliance on incarceration was noted by the Supreme Court of Canada in R. v. Gladue. Third, the 1999 federal Speech from the Throne contained an explicit acknowledgement of the importance of restorative justice in Canadian society.

2.2 Theoretical basis

The resulting amalgamation of practice and principle resulted in a more comprehensive approach to crime involving offenders, victims and the community. Restorative justice requires not only a change in practice, but also a transformation in thinking. This philosophical shift is best illustrated through an examination of the current definition of criminal behaviour. Within modern legal discourse, a crime is defined as a wrong against the state. Accordingly, a representative of the state prosecutes an individual accused of having committed a crime. The critical point of contention is the failure of this definition to recognise the victim. It is the victim that experiences the actual harm caused by a crime. Restorative justice advances a more victim-centred definition of criminal behaviour wherein the harm or wrong is against the individual rather than the state. Once the problem is redefined, current solutions become inadequate. The victim, who has a critical stake in the process, requires input and meaningful participation as well as reparation.

Restorative justice models are based upon several overarching principles. First, crime is primarily a conflict between individuals, resulting in harm to victims and communities and to offenders. It is only secondarily a transgression against the state. This simple notion has profound consequences as demonstrated by the previous discussion on defining crime. Second, the central goal of the criminal justice system should be to reconcile victims, offenders and their communities while repairing the harm caused by the criminal behaviour. That is not to say that public safety is not paramount. Rather, it is the method of achieving public safety that is under debate. Third, the criminal justice process should facilitate active participation by victims, offenders and their communities. This results in a diminished role for the state.

In theory, there maybe several benefits to restorative justice practices. For victims, restorative justice offers individuals a meaningful voice in the process, and serves several crucial human needs, including the need to be consulted and the need to be understood. In some cases, the victim may also experience satisfaction from playing a part in preventing future criminal behaviour and from receiving reparation. For offenders, the process can be therapeutic as they take responsibility for their actions and take steps to repair the harm. For community members, the process serves to humanise the criminal justice system and reduce fear of crime by providing more accurate information about offenders and crime in general. Restorative justice also provides community members with a voice in the criminal justice process. Restorative justice has been described as an empowering experience for all participants in the triad.

2.3 Practice Models

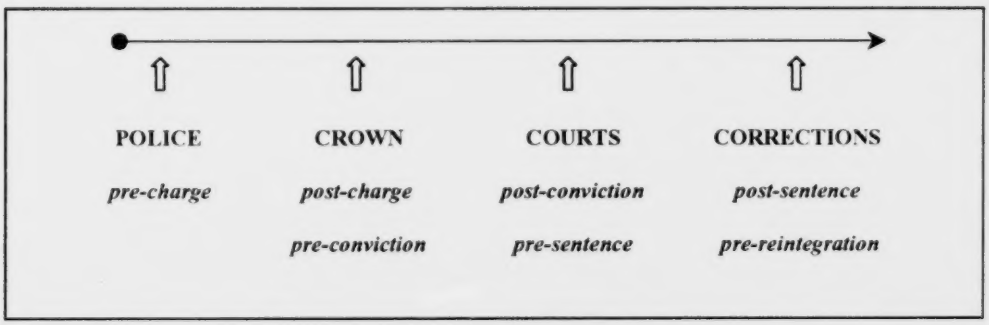
The resulting practice models based upon these principles can be grouped into three categories–circles, conferences and victim-offender mediations. These categories, while usually presented as distinct, are somewhat artificial in that the structure and practices often overlap or are quite similar. In general, restorative justice programs bring together the victim, the offender and community representation to collectively attempt to devise a solution that repairs the harm of crime.

In victim-offender mediation, the community has a less significant role, as the mediator is typically the only community member present. Participants meet and discuss the crime, its effects on their lives and possible steps towards restoration. The community is provided with an enhanced role in conferencing, which is essentially an extension of mediation to include a wider range of participants. Circles, which are similar in size to conferences, are rooted in traditional Aboriginal culture as a method for solving disputes and often include community elders. Circles usually occur after a conviction has been recorded and are used in a sentencing context rather than as an alternative to the justice system (i.e., diversion).

2.4 Entry points

The criminal justice system contains four specific entry points for the initiation of restorative justice practices. Figure 2.1 demonstrates this continuum.

Figure 2.1. Entry Points in the Criminal Justice System



At any one of these four points, offenders can be referred to a restorative justice program. Rather than conceptualising restorative justice as an alternative system, this model integrates the principles of restorative justice into the current justice system. The more serious the offence, the more likely the case will be referred later in the process. It is therefore assumed that research might provide differing results based upon the entry point of the program more so than differing practice models or approaches. Furthermore, the effects of restorative justice programs may be 'diluted' by the level of integration of the offender and the victim into the traditional system.

3.0 EMPIRICAL RESEARCH RESULTS

An abundance of non-traditional justice programs have been implemented throughout the United States, Canada, Europe, New Zealand, Africa and Australia. Many are considered restorative in nature; however, these programs may not fully conform to restorative principles. The scope of this paper will be on those programs that have adopted the aforementioned principles. That is to say, the empirical results that are discussed in this section are from programs that attempt to restore the relationship between the victim, the community and the offender and attempt to repair the harm caused by crime.

3.1 Research Issues

In the present criminal justice environment of rapid change, research is essential to the success of any new movement or 'wave' such as restorative justice (Bonta, Wallace-Capretta & Rooney, 1998; La Prairie, 1999). Unfortunately, empirical scrutiny of the outcomes of such movements are rarely encouraged. What do we actually know about the effectiveness of restorative programming? And how do we define success?

There are several obvious definitions of a successful program. First, since public safety remains the paramount concern of the criminal justice system, programs should attempt to reduce recidivism. If a program were to actually increase the chances of further criminal behaviour, most would agree that this would not be a success. Second, the needs of victims should be adequately addressed. This is easily measured through controlled experiments testing the satisfaction levels of victims in the traditional system compared to a restorative program. Third, the effects of a program on the community should be considered. For example, does the program reduce fear of crime and increase the perception of safety within a neighbourhood?

The effects of restorative justice are not solely limited to the participants. The criminal justice system, as a whole, may be significantly affected by the proliferation of restorative practices. First, what are the financial costs associated with restorative justice programming compared to traditional responses to crime? Second, how are the roles of the actors within the justice system affected? It is reasonable to assume, for example, that the options now available to a police officer or crown attorney when dealing with an offender are different with the increasing accessibility to restorative justice programming. It is also reasonable to assume that the role of duty counsel will be affected as more cases are diverted away from the courts. Will parole decision makers be more likely to grant parole to an offender who has participated in a pre-release restorative justice program? And should this be a factor? Third, the collection of crime statistics will ultimately be affected by the increasing number of pre-judicial alternatives available to offenders. Currently, crime statistics are collected primarily through official court surveys and police charge data. As more and more criminal behaviour is dealt with outside the system, the accuracy of the official data becomes questionable. It is useful to organise these outcomes using the following overarching framework.

Table 3.1 Research Framework

PARTICIPANT LEVEL	Victims Offenders Community members	Satisfaction Recidivism, satisfaction Fear of crime, sense of security
SYSTEM LEVEL	Cost-benefit analysis Data collection Criminal justice system	Financial costs, net-widening Crime statistics Police, attorneys, courts, corrections

There are also a number of moderating variables that may affect the outcomes and processes of restorative justice programs and should therefore be examined. Ideally, the most comprehensive method of synthesising the literature would be through the use of meta-analytic techniques. Unfortunately, there is not an adequate number of studies using comparison groups to invest the necessary resources at this time. Table 3.2 highlights a number of moderating variables that could be examined in the future. Each one of these variables can ultimately affect the outcomes of a program. For example, the age of the offender and the seriousness of the offence might be related to recidivism rates or victim satisfaction rates. Or the level of training of the mediator and the involvement of family members might effect a participating community member's subsequent fear of crime.

Table 3.2 Moderating Variables

ENTRY POINTS	Police	Crown	Courts	Corrections
MODELS OF PRACTICE	Conferences	Mediations	Circles	
VICTIM	Age of victim	Relationship to offender	Gender of victim	
MEDIATOR	Level of training	Voluntary or paid position	Justice versus social service	
COMMUNITY INVOLVEMENT	Mediator only	Family involvement	Restricted community involvement	Open community involvement
OFFENCE	Seriousness of the offence	Family violence	Sexual offences	
OFFENDER	Age of offender	Criminal history	Gender of offender	

3.2 Empirical Effects at the Participant Level

3.2.1 Recidivism

To date, the number of evaluations that examined the issue of recidivism is insufficient to form any definitive conclusions. In fact, the research methods utilised in most studies were not rigorous and lacked randomised control groups. And where random assignment was used, the voluntary nature of the programs still created a self-selected treatment group as referred subjects could simply refuse to participate. This bias and subsequent lack of adequate

comparative recidivism rates offers limited generalisable results. The findings that are available, however, tend to indicate slight reductions in the recidivism rates of offenders within restorative justice programs compared to the traditional system. The following data represent a sample of the empirical results in the literature.

- The results of a meta-analysis completed by Bonta, Wallace-Capretta & Rooney (1998) indicated slight reductions in the recidivism rates of offenders participating in programs using community service, restitution or mediation compared to programs without these features. While not directly an evaluation of restorative justice programs, these results do indicate the possibility of decreases in recidivism for programs with restorative features.

- Morris and Maxwell (1998), in a family-group conferencing study with young offenders in New Zealand, found a reconviction rate of 26%. While this is encouraging, considering the program dealt with moderate and serious offences, there was no comparison group used in this study to place the results in context.

- In a study by Nuffield (1997), which looked at adult victim-offender mediations in Saskatoon, the recidivism rates of the mediated group were slightly higher than the comparison group. Nuffield noted, however, that the mediated group of offenders had a larger proportion of cases with a prior record, which is a strong predictive factor for recidivism.

- The evaluation of the Restorative Resolutions Project in Manitoba (Bonta, Wallace-Capretta & Rooney, 1998) used matched comparison groups and found statistically significant reductions in the recidivism rates of project participants.

- Prenzler and Wortley (1998) found a very low rate of recidivism (7%) within the Queensland Community Conferencing project for young offenders. There was, however, no comparison group and the follow-up time period for measuring recidivism was relatively short.

- Recidivism was examined in four victim-offender mediation sites in the U.S. using comparison groups of referred but non-mediated offenders and non-referred offenders. Eighteen percent of the mediated group of offenders re-offended within one year compared to 27% of the non-mediated offenders (Umbreit, Coates & Kalanj, 1994). In addition, 41% of the new offences committed by mediated offenders were classified as 'less serious' compared to only 12% of the non-mediated group.

- McCold and Wachtel (1998) evaluated a police led family group conference project with young offenders using random assignment and found that the recidivism rates of project participants after 12 months was 20% while those who refused to participate demonstrated a 48% recidivism rate. McCold and Wachtel also found, however, that the randomised control group of non-referred offenders had a 35% recidivism rate suggesting that there was little additional treatment effect beyond a self-selection effect.

There is a clear need to better understand the effects of restorative justice programs on re-offending. While some data were available on victim-offender mediation programs and conferences, we could not locate data on the recidivism rates of offenders who have participated in sentencing circles. Conferences quite frequently occur at the pre-conviction entry point whereas circles are often organised at the post-conviction stage. The experiences of the offenders and their penetration into the traditional system are therefore different. If restorative justice programs are to be considered a reasonable alternative to certain aspects of the formal criminal justice system, more research is required on the long-term effects along all four entry points.

3.2.2 Victim satisfaction and perceptions of fairness

It is clear that victims tend to be satisfied following their involvement in a restorative justice program. This is perhaps the most critical piece of evidence to support the development of restorative approaches. Programs using restorative principles achieve the central goal of addressing the needs of victims. It is also likely, although somewhat less so, that victims in the traditional justice system are less satisfied than victims in a restorative program. Again, however, the issue of self-selection should be considered. It should be noted as well that there were some cases that did result in victim dissatisfaction. These were typically a result of the offender's failure to follow through with the agreed restitution, however, and not a reflection of the utility or success of the restorative process.

- Umbreit, Coates and Kalanj (1994) found that 79% of mediated victims were satisfied with the processing of their case compared to 57% of the victims within a court sample. The mediated victims were also more likely to perceive their case to be handled fairly by the justice system (83% vs. 62%).

- In their interim report on a victim-offender conferencing program for young offenders in Washington County Minnesota, Umbreit and Fercello (1997a) found that all the victims were satisfied with the handling and the outcome of their cases. Moreover, 100% of the victims felt that the restitution agreement was fair for them and 80% felt the agreement was fair for offenders.

- An evaluation of victim satisfaction and perceptions of fairness at twelve different family-group conferencing sites in Minnesota found satisfaction levels with the process and outcome between 93% and 95% (Fercello & Umbreit, 1998).

- Prenzler and Wortley (1998) found that almost all of the victims in a young offender project were satisfied with both the conference process and the agreements.

- A study of family-group conferencing victims found that only 49% were satisfied with the program, although the reason most frequently reported for their dissatisfaction was a failure to receive the appropriate restitution (Morris & Maxwell, 1998).

- A number of studies have found that the vast majority of victims would repeat the restorative justice process again and would recommend it to others (Chatterjee, 1999; Coates & Gehm, 1989; Umbreit, Coates, Kalanj, Lipkin, & Petros, 1995; Umbreit & Fercello, 1997a; Umbreit & Fercello, 1997b).

3.2.3 Offender satisfaction and perceptions of fairness

There is some indication that providing offenders with a more satisfying experience within the justice system may help to lower recidivism rates (Strang, Barnes, Braithwaite & Sherman, 1999). The traditional 'professionalised' justice system offers offenders very little opportunity to provide input into the court process and rarely allows them the chance to make amends through meaningful restitution. Restorative programs, on the other hand, promote a setting in which all parties, including the offender, engage in meaningful participation and arrive at a collective solution for reparation. A fair amount of research has been undertaken to evaluate offenders' satisfaction levels and their perceptions of fairness after participating in restorative justice programs. The vast majority of these studies indicate that a high percentage of offenders are both satisfied with restorative programs and see these programs as being fair. Research also indicates that offenders find restorative programs to be more satisfying and fairer than the traditional criminal justice system.

- Umbreit, Coates, and Kalanj (1994) found that those offenders who had participated in mediation were more likely to be satisfied by the process (87% vs. 78%) and see it as being fair (89% vs. 78%) than those who had not participated in mediation. A high percentage of mediated offenders also expressed satisfaction with the outcome (90%) and perceived their restitution agreement as fair (88%).

- A study conducted at two mediation program sites in England, by Umbreit, Warner, Kalanj, and Lipkin (1996), reported that the mediated group of offenders were more likely to be satisfied by the criminal justice system (79% vs. 55%) and perceive the system as being fair (89% vs. 56%) compared to non-mediated offenders.

- A study conducted in New Zealand found that 84% of offenders were satisfied with the outcome of their family-group conference (Morris & Maxwell, 1998). The researchers argued that the high level of satisfaction may have resulted from relief that the offenders did not receive a harsher penalty. This conclusion was supported by empirical data that show offenders who received tougher penalties were three times more likely to express dissatisfaction with the outcomes than offenders who received less severe penalties.

- Strang, Barnes, Braithwaite and Sherman (1999) found evidence which indicates that offenders in the Reintegrative Shaming Experiment in Australia find restorative programs to be fairer than going through the court system. Seventy-two percent of offenders who were part of the conferencing process compared to 54% of offenders who went through the court system felt that the outcome of the process was fair.

3.2.4 Community effects

While restorative justice theory consistently describes a process of engaging the victim, the offender and the community, very little information exists regarding the community component of this triad. There were data in the literature on the positive effects of restorative justice for the parents of young offenders and for participating police officers and school officials. There were also indications that the restorative justice experience facilitated closer relationships among participants and created a stronger sense of control and safety within communities. It is clear, nonetheless, that this is a crucial gap in research. Very little is actually known about the short- and long-term effects of restorative justice programs on community participants, including their sense of security, perceptions of the criminal justice system, or fear of crime.

- Roberts (1995) found that victims improved their relationships with friends and family members following a victim-offender mediation. The study also found that all participants reported positive changes in their views on crime and victimisation.

- Following the Bethlehem Pennsylvania Police Family Group Conferencing project, police officers' attitudes towards crime remained the same, but the officers did report a more community-oriented and problem solving focus in their work (McCold & Wachtel, 1998).

- Cameron and Thorsborne (1998) reported that the majority of conference participants in an educational setting had closer relationships with other participants after the program. In addition, the school administrators felt that conferencing reinforced school values, created positive perceptions of the school among the participants' families and transformed their disciplinary practices from a punitive to a more restorative approach.

- Supporters of both victim and offender conference participants reported that the restorative justice programs created a greater sense of control and security in their community as well as restored harmony (Chaterjee, 1999).

3.2.5 Restitution agreements and completion rates

Restitution agreements are an important aspect of restorative programs. These agreements, upon completion, act as a visible symbol that the offender accepts accountability for the offence and actively takes responsibility to repair the harm. Typical restitution agreements involve financial compensation, community service, and/or service for the victim. The available research indicated that there is a high rate of negotiated and completed restitution agreements for restorative justice programs. Additionally, studies that compare restorative cases and court cases show a significantly higher rate of negotiating and completing restitution agreements in restorative programs. It appears then, that restorative justice programs achieve another one of their major goals - repairing the harm caused by crime. It also appears that victim satisfaction is directly related to the extent to which these agreements are fulfilled.

- Morris and Maxwell (1998) found that 85% of young offenders in family-group conferences in New Zealand agreed to carry out active penalties (such as community service).

- At four different Canadian restorative program sites, Umbreit, Coates, Kalanj, Lipkin and Petros (1995) found that restitution agreements had been successfully negotiated in 93% of cases.

- In their preliminary findings from an experimental comparison of conference and court cases, Strang, Barnes, Braithwaite and Sherman (1999) indicated that 83% of victims in conference cases versus 8% of victims in court cases, received both reparation and an apology from the offender.

- In Coates and Gehm's (1989) empirical assessment of victim-offender reconciliation programs, they found that 98% of victims and offenders agreed upon restitution. Of these agreements, there was a completion rate of 82% for financial restitution and 90% for service restitution.

- In a national survey of 116 victim-offender mediation programs in the U.S., extensive phone interviews with program staff indicated that in 87% of cases a restitution agreement was reached, with a 99% completion rate (Umbreit, Fercello, & Umbreit, 1998).

- In a comparison of two mediation programs matched with two court sites, Umbreit, Coates and Kalanj (1994) reported a restitution completion rate of 81% for mediated cases and 58% for court cases. When examining the type of restitution agreements reached, the researchers found that 58% were financial in nature, 13% were for personal service to the victim and 29% had a community service component.

- In a preliminary evaluation of victim mediation programs in California, researchers found that of all cases in which an agreement was reached, 97% of the contracts were completed or currently still active. The small number of failures were exclusively from cases dealing with property offences rather than more serious crimes against the person (Niemeyer & Shichor, 1996).

3.3 Empirical Effects at the System Level

3.3.1 Cost-benefits and net-widening

The costs of restorative justice programming are predictably lower than the traditional system. Volunteers typically mediate sessions, cases can often be dealt with in a few hours and most offenders do not require legal representation. Given the nature of a large proportion of restorative programs (i.e., accepting only minor and first time offenders), there is, however, the possibility of 'net-widening' whereby additional offenders are drawn into the criminal justice system. Due to the high variability of criteria for referrals to a restorative justice program, and the four possible entry points, it is difficult to accurately determine if 'net-

widening' is a problem. Would the inclusion of additional offenders into the system, who may have otherwise received an informal or formal cautioning, actually increase overall expenditures? The answer is probably yes. Of those programs that are evaluated within the literature, however, there is some indication that the offence criteria being used for referrals are actually rather broad and include an increasing number of more serious offences, such as assault and impaired driving, that would not typically receive cautions. But for the large majority of offences that are less serious, does it cost more for an offender to be tried and subsequently supervised in the community by a probation officer than a referral to a restorative justice program? We could not locate a comprehensive comparison of the traditional system and a restorative justice program to adequately answer this question. We found rather limited data on the costs of programs and on the issue of net-widening in the literature.

- Umbreit, Coates and Kalanj's (1994) research into mediation programs in the U.S. found that a referral to the program cost approximately $230 and an actual mediation session cost less than $700.

- In a survey of 116 mediation programs across the United States, program budgets ranged from $1 to over $400,000 with a mean cost of $55,077 (Umbreit, Fercello & Umbreit, 1998).

- Research conducted on the Restorative Resolutions Project in Manitoba found that most offenders referred would have received a prison sentence through the traditional system (Bonta, Wallace-Capretta & Rooney, 1998). The authors concluded, therefore, that net-widening was not an issue.

3.3.2 Criminal justice system

Unfortunately, we could not locate published research on the effects of restorative justice on the criminal justice system. This is a significant gap in our current knowledge. We do not know how the increasing number of restorative justice programs will affect the role of police, attorneys, or court and correctional officers. The formal criminal justice system is, in all probability, experiencing significant changes as we move towards a secondary community-based stream of justice in Canada.

3.3.3 Data collection

This area of research also appears to be neglected in the literature. Are the decreases we are witnessing in the Canadian crime rate a reflection of actual decreases in criminal behaviour or are we seeing the effects of pre-charge diversion programs, such as restorative justice practices? Should we be developing additional methods of data collection to adequately reflect the actual crime rates? Comparisons to previous years become rather difficult as more and more offenders are processed through non-traditional channels.

3.4 Summary of Findings

In general, empirical research into restorative justice is arguably still in its infancy. Numerous questions remain unanswered. There are several issues, however, that do appear to be resolved.

- Victims who experience a restorative justice program express high levels of satisfaction with the process and the outcomes. Victims also believe that the process is fair. There are strong indications that victims are much less satisfied within the traditional court system. In addition, victims' satisfaction level appears to be related to the fulfilment of restitution agreements.

- Offenders also express high levels of satisfaction with restorative justice programming and perceive the process to be fair. In addition, research suggests that offenders processed by the traditional system are less satisfied. There is evidence, though, that the severity of the restitution agreement is closely related to an offenders' satisfaction level. The harsher the restitution, the more likely an offender will express dissatisfaction with the program.

- Most restorative justice program participants have a high level of success in negotiating restitution agreements. There is also an indication that a high proportion of offenders referred to restorative justice programs follow through on their agreements and are more likely to comply than are offenders with court-ordered restitution.

4.0 GAPS IN OUR KNOWLEDGE BASE

There has been a clear increase in the number of restorative justice programs operating around the world over the last decade. A considerable number of research projects and evaluations are also on-going. At the present time, however, there are several clear gaps in the restorative justice research literature. There is also a lack of controlled studies and an absence of consistently used measures of effectiveness. This paucity of experimental research into 'what works' in the restorative justice field can partly be attributed to the relatively recent implementation and upcoming evaluation of many programs. It is also due, however, to a simple failure to review and evaluate programs. Moreover, effectiveness has not been standardised. In traditional criminal justice research, it is merely a matter of determining which interventions lower recidivism rates. In restorative justice research, there is a lack of sophistication about how to best evaluate programs.

4.1 Gaps in Knowledge at the Participant Level

4.1.1 Recidivism

It is not clear that restorative justice is more effective than the traditional criminal justice system at reducing recidivism. Preliminary results do show promise, however. Further research is nevertheless needed to gain a clearer sense of the effects of restorative justice on the future behaviour of offenders. While it is difficult to use random assignment to control and treatment groups, this provides the most rigorous method of determining effects on recidivism. If randomisation is not possible, matched samples, using such variables as age, gender, offence severity and criminal history, can be used retrospectively. Meta-analytic techniques are an additional, and arguably more definitive, method of understanding the effects of a program on recidivism. These techniques, however, are not possible with the current state of research. Several more years are required to develop an appropriate body of comparative research literature.

4.1.2 Community effects

There is a paucity of data on the effects of restorative justice programs on the community component of the triad. Several key questions remain unanswered. Does the development and ongoing operation of a restorative justice program affect the community in any substantive way? Although there will be debate in any effort to operationalise the concept of 'community', it is nonetheless important for policy development to attempt to understand restorative justice through this lens. How does restorative justice programming affect levels of volunteerism and community development? Do restorative justice programs reduce fear of crime among community participants? Are there any effects on a community member's perception of the criminal justice system?

4.1.3 Moderating variables

As discussed previously (see Table 3.2), there are a multitude of moderating variables that need to be further understood. How does the seriousness of the offence affect the process and outcome? Does a prior relationship between the victim and offender affect the outcome of restorative justice programs? Are young offenders more appropriate than adult offenders for restorative programs? Do trained mediators increase participant satisfaction and the likelihood of a fair restitution agreement? Does the entry point of the program affect levels of victim satisfaction? Are conferences with a broad range of community participants more likely to reduce recidivism than a mediation session with a single mediator? The preceding table is certainly not an exhaustive list of possible variables. There are countless moderating factors that may play a role in shaping the outcomes of restorative programming.

4.2 Gaps in Knowledge at the System Level

4.2.1 Cost-benefits

Community-based volunteer programs should be less expensive to run than the larger, traditional structures of the court and correctional system. Restorative justice programs are, however, often integrated into the system rather than used as an alternative. There are also issues of net-widening that can increase costs. On the other hand, it requires more than a simple financial analysis to fully appreciate the cost-benefits of restorative justice. It is difficult to place a price on the significant increases in victim satisfaction or the psychological healing that may occur as a result of mediation. While we may be able to demonstrate cost savings from reductions in incarceration and reduced probation caseloads, it will be difficult to measure the true costs and benefits of restorative justice. Nonetheless, it is important for researchers to grapple with this issue. Continued financial and political support for 'alternative' approaches such as restorative justice, if warranted, often require empirical and financial data.

4.2.1 Criminal justice system

There is a clear lack of knowledge concerning the effects of restorative justice practices on the Canadian criminal justice system along all four entry points. In general, we should attempt to understand the changing role of the police as the first line of contact considering the increasing number of pre-charge diversion programs. Do police have the necessary training to enable them to make the best choice for both the offender and the community? In fact, this question can be posed along all four entry points. Do Crown attorneys or judges know which offenders are best suited for restorative justice programming rather than probation or straight cautioning? Will legal aid costs decrease as more and more offenders do not require legal representation? Or inversely, will legal aid costs increase as duty counsel attend four hour restorative justice sessions rather than a five minute appearance before a judge?

4.2.3 Data collection

Is there a need to develop more sophisticated data collection methods considering the increasing number of community programs that are operating outside of the formal criminal justice system? A 'community stream of justice' does not typically have in place the standardised methods of capturing information. We will not be able to accurately collect crime statistics through traditional court- and police-based data. Further investigation is required to determine if it is necessary to expand our current data collection practices.

5.0 RESEARCH QUESTIONS

Before we can know if restorative justice 'works' and before we can understand the 'effects', we need to ensure that we are all talking about the same thing. It is important to develop a set of simple indicators that can be consistently applied across a variety of programs and jurisdictions to ensure that programs are actually restorative. Does the program actively involve victims, offenders and the community? Is there an effort to restore the relationships between the community, the victim and the offender and repair the harm caused by crime? If these simple criteria are not evident in a program, it may not be adhering to a restorative model.

Once we agree on the "restorativeness' of a program, it would be valuable to have a clear set of criteria for measuring success. Three central indicators could be victim satisfaction, recidivism and restitution completion rates. It follows that these three outcomes are crucial to ongoing support for restorative interventions. The central goals of restorative justice are to provide meaningful involvement for victims, restore an offender back into the community and repair the harm caused by the crime. Both victim satisfaction and restitution completion rates have been well examined in the literature. Recidivism, on the other hand, requires further study. Arising from this review of the literature, there are several key additional questions that need to be examined. Table 5.1 represents the central research questions that we believe are important to the ongoing 'scrutiny' of restorative justice. Each of these research questions can also be examined using the moderating variables (see Table 3.2).

The estimated time frame for the completion of a research project to answer each question is also highlighted. The bulk of the research proposed in Table 5.1 is attainable within a relatively short time-frame. In order to best answer several of these questions, it would also be useful to examine multiple sites across several jurisdictions.

Table 5.1 Proposed Research Questions

Research Question	Time Frame
Do restorative practices lower recidivism rates compared to the traditional system?	12 to 36 months
Does participation in restorative practices lower the community's fear of crime?	2 to 6 months
What are the associated costs with operating restorative justice programs compared to the traditional system?	12 to 18 months
Are restorative options actually more intrusive than traditional options, and consequently a net-widening mechanism?	6 to 12 months
How will restorative practices affect the criminal justice system and specifically the role of police, attorneys, and court and correctional officers?	12 to 36 months
Do we need to develop more sophisticated data collection methods to ensure accurate crime statistics?	1 to 2 months

6.0 CONCLUSION

The formal, punitive and adversarial nature of the traditional criminal justice system in Canada is clearly changing. The use of cautioning, diversion, alternative measures, mediation, victim impact statements and restitution agreements is arguably impacting the formal process. Outside of the formal system significant increases in the number of restorative justice programs are also having a tremendous impact on the legal environment. We are currently in a period of substantial change. Understanding this 'movement' towards an informal and less punitive approach to addressing criminal behaviour, which focuses on consensus decision making rather than an adversarial method, will be important for future policy development. This paper begins the process by identifying appropriate research questions to strengthen our understanding of restorative justice.

It is often argued that new 'waves' or paradigms in justice, such as restorative justice, are routinely held to a much higher standard than the traditional system. Pilot programs often need to demonstrate immediate and unrealistic results. A more strategic and long-term approach to research, and consequently funding, would allow for the generation of more comprehensive data. In New Zealand, for example, family-group conferencing has been legislated as a required response to a majority of youth crime since 1989. Ten years later, research is beginning to emerge from that jurisdiction that demonstrates significant reductions in youth offending in some communities (Doolan, 1999). This form of research is not possible in Canada with short-term, initiative-based funding. In fact, a small proportion of the research that was used in this paper originated in Canada. If we are to fully understand the effects of restorative justice on our own criminal justice system, we need to develop a strong Canadian knowledge base on restorative practices.

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